

THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF NORTH CAROLINA

FILED

AUG 13 2012

JULIE A. RICHARDS, CLERK  
US DISTRICT COURT, EDNC  
BY  DEP CLK

Eddie Ray: Kahn,  
Petitioner

Crim. Case No. 1:08-cr-271

v.

Case No. 5:12-HC-2149FL

Jonathan C. Miner, Warden  
Respondent

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NOTICE AND DEMAND THAT JUDGE LOUISE FLANAGAN EITHER ISSUE THE WRIT OF HABEAS  
CORPUS AD SUBJICIENDUM IN CASE NO. 5:12-HC-2149FL or RECUSE HERSELF FROM SAID  
CASE

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Eddie Ray: Kahn, Petitioner in Case No. 5:12-HC-2149FL, hereby demands that  
Judge Louise Flanagan either immediately issue the Common Law Writ of habeas  
Corpus Ad Subjiciendum or recuse herself from the case as she is committing  
Obstruction of Process (Interference of any kind with the lawful service or  
execution of a writ, warrant, or other process. Most jurisdictions make this  
offense a crime. Black's Law Dictionary - 8th Ed.). Judge Flanagan has failed  
to do her ministerial duty to issue the Writ "forthwith" (immediately, without  
delay - Black's Law Dictionary - 8th Ed.), as required by the Habeas Corpus  
rules and is also in violation of section 14 of the Judiciary Act of 1789.  
Consequently, Judge Flanagan is violating her Oath of Office and violating my  
right to due process of law as I am entitled to an independant, impartial judge  
and demand same.

**VERIFIED STATEMENT OF FACTS**

Eddie Ray: Kahn, being first duly sworn, deposes as follows:

1. On June 22, 2012, a Common Law Writ of Habeas Corpus Ad Subjiciendum was  
filed on my behalf in the U.S. District Court in Raleigh, North Carolina.

2. The case was assigned to Judge Louise Flanagan.

3. On July 2, 2012, my wife called the court. She spoke with Judge Flanagan's clerk, Amy. She asked Amy when the Writ would be issued. Amy said she did not know. Amy said there was no requirement for the judge to act promptly.

4. On July 6, 2012, Petitioner mailed a letter to Judge Flanagan, asking her why she was not complying with the Habeas Corpus rules to issue the Writ "forthwith". As of this date, there has been no response.

5. On July 20, 2012, Petitioner filed a **NOTICE OF JUDGE LOUISE FLANAGAN'S REFUSAL TO ISSUE PETITIONER'S COMMON LAW WRIT OF HABEAS CORPUS AD SUBJICIENDUM PURSUANT TO SECTION 14 OF THE JUDICIARY ACT OF 1789 AND DENIAL OF PETITIONER'S RIGHT TO DUE PROCESS OF LAW** with the District Court in Raleigh.

6. Petitioner also mailed the Notice with an **ADMINISTRATIVE REQUEST FOR SUPERINTENDING CONTROL** to Judge James A. Wynn, Jr., a circuit court judge at the 4th Circuit Court of Appeals. This was done because Petitioner was advised that Judge Wynn had supervisory authority over the district court judges in Raleigh, North Carolina, where this travesty of justice is taking place.

7. On July 25, 2012, a "clerk" (who's clerk I have no idea) responded to what I had sent Judge Wynn. She stated that Judge Wynn does not have "supervisory control" over district court judges. NOTE: The "clerk" did not provide any proof that she was authorized by Judge Wynn to respond on his behalf. Unless such proof is provided, I will assume that no such authorization exists and that the response is a nullity.

8. It has recently come to my attention that two other Writ of Habeas Corpus Ad Subjiciendums have been filed in this court, both from Rivers Correctional Institution. One was filed on June 8, 2012 and one on July 16, 2012. One of the Writs was assigned to Judge Flanagan. The other one was assigned to Judge Fox. None of them have been issued pursuant to section 14 of the Judiciary Act of 1789.

9. Judge Flanagan is refusing to issue the Writs and also refusing to respond to inquires and demands to know why she is not issuing the Writs as required by law.

10. Judge Flanagan is refusing to obey the Court rules.

11. Judge Flanagan is refusing to state why she is refusing to issue the Writ.

12. Petitioner has made a prima facie case via affidavit that he is unlawfully imprisoned by the Respondent and forced to work for Respondent in violation of the 13th Amendment of the Constitution of the United States of America. However, the Respondent does not have to rebut Petitioner's affidavit and prove that he is lawfully imprisoning Petitioner and lawfully forcing him to work until Judge Flanagan issues the Writ.

13. Judge Flanagan's refusal to issue the Writ is greatly assisting the Respondent and greatly harming Petitioner, as he continues to be unlawfully imprisoned and forced to work for the Respondent.


Further Affiant sayeth not.

Date: 8-8-12

Sworn to and subscribed before me  
this 8 day of August, 20 12

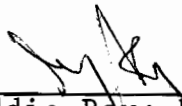
  
Notary Public

My commission expires 11-23, 20 14

  
\_\_\_\_\_  
Eddie Ray: Kahn  
18325-008  
RCI  
P.O. Box 630  
Winton, North Carolina

PROOF OF SERVICE

I, Eddie Ray: Kahn, certify that I have placed a copy of the enclosed NOTICE AND DEMAND THAT JUDGE LOUISE FLANAGAN EITHER ISSUE THE WRIT OF HABEAS CORPUS AD SUBJICIENDUM IN CASE NO. 5:12-hc-2149FL or RECUSE HERSELF FROM SAID CASE in the Inmate Mail Box at Rivers Correctional Institution in Winton, North Carolina on 8-10-12. It was addressed to Brick Tripp, the new Warden at the aforesaid institution.

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Eddie Ray: Kahn  
18325-008  
P.O. Box 630  
Winton, North Carolina 27986